

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PIPEFITTERS LOCAL 636 DEFINED
BENEFIT PENSION FUND, ET AL.,

Plaintiffs,

v.

AMERICAN MECHANICAL
CONTRACTORS, INC., ET AL.,

Defendants.

No. 12-13313

District Judge Denise Page Hood

Magistrate Judge R. Steven Whalen

ORDER

Plaintiffs' Second Motion for Show Cause [Doc. #38] is hereby GRANTED.

On April 11, 2013, this Court entered a stipulated order regarding discovery [Doc. #36]. Defendants American Mechanical Contractors, Inc. and Andrew Sester have failed to produce the discovery that was ordered. Plaintiffs have filed two previous motions to compel discovery, and a previous motion for show cause, and Defendants have previously been sanctioned for failure to provide discovery. Enough is enough.

In general, Rule 37 provides for sanctions for failure to make disclosures or cooperate in discovery. Rule 37(b) provides for sanctions where a party fails to comply with a court order regarding discovery, including, under Rule 37(b)(2)(C), entry of default judgment where it is the defendant who has been disobedient. In this case, Defendants' disregard of the Court's discovery orders is inexcusable, and is deserving of serious sanctions. Before imposing the ultimate sanction of a default judgment, however, I will give Defendants one last chance to comply with my April 11, 2013 Order.

Within 14 days of the date of this Order, the Defendants will produce all discovery

ordered on April 11, 2013 [Doc. #36].

Pursuant to Rule 37, Defendants shall, within 14 days of the date of this Order, remit the sum of \$2,500.00 to Plaintiffs' counsel. This sanction is imposed on Defendants, not Defendants' counsel.

Defendants' failure to comply with this Order, or with any discovery order, will result in a recommendation that a default judgment be entered against them.

IT IS SO ORDERED.

Dated: July 2, 2013

s/ R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on July 2, 2013, electronically and/or by U.S. Mail.

s/Michael Williams

Relief Case Manager for the
Honorable R. Steven Whalen